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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,983

03/17/2004

Thomas E. Valiulis

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01/26/2006

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/802,983

**Applicant(s)**

VALIULIS ET AL.

**Examiner**

Anita M. King

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 and 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/28/04 & 2/22/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

This is the second office action for application number 10/802,983, Retail Display Support having Reduced Drag and Method, filed on March 17, 2004.

### ***Election/Restrictions***

Applicant's election without traverse of species III (Fig. 10) in the reply filed on October 28, 2005 is acknowledged.

Claims 5-8 and 12-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 28, 2005.

### ***Drawings***

The drawings are objected to because reference numbers "260" and "360" in Figs. 2 and 3 appear to be referring to an angle and not a bend as cited in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted

after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "736," "800," "814," "916," and "918". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "140" and "170" in Fig. 1; "746" in Figs. 7-9; "810" in Fig. 10; and "910" in Fig. 11. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of

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an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: on page 9, paragraph 52, lines 4 and 7, reference character "742" is referring to a tacky, skid resistant surface and a removable adhesive; and on page 10, paragraph 49, line 7, "712" appears to be incorrect and should be --711--.

Appropriate correction is required.

### ***Cancellation of Claims***

Claims 17-28 have been canceled per applicant's request.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent 4,239,099 to Williams et al., hereinafter, Williams. Williams discloses an apparatus for

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displaying retail merchandise (96-102), the apparatus adapted to be supported by a vertical support, the apparatus comprising: a retail support structure (26, 28) having a rearward portion (34) adapted to be supported by the vertical support, the retail support structure having a support surface (54) extending horizontally, the support surface adapted to slidably support merchandise; a front stop (88, 90, 92) arranged proximate a front end (36) of the support surface; self facing means (70) for facilitating forward movement of merchandise supported on the support surface toward the front stop; a reduced friction layer (84, 86) on the support surface, the reduced friction layer having a static coefficient of friction that is less than a static coefficient of friction for a standard powder coated finish for retail shelves; wherein the reduced friction layer comprises a fluoropolymer (Col. 4, line 25ff); and wherein the retail support structure is supported in a horizontal position by the vertical support.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,878,895 to Springs in view of U.S. Patent 4,346,806 to Bustos. Springs discloses an apparatus (10) for displaying retail merchandise (12), the apparatus adapted to be supported by a vertical support, the apparatus comprising: a retail support structure (14) having a rearward portion (22) adapted to be supported by the vertical support, the retail

support structure having a support surface (26) extending horizontally, the support surface adapted to slidably support merchandise; a front stop (28) arranged proximate a front end of the support surface; self facing means for facilitating forward movement of merchandise supported on the support surface toward the front stop; wherein the means includes a spring biased pusher (32) biased toward the front stop and movable toward and away from the front stop; wherein the support surface is oriented substantially parallel with horizontal when the retail support structure is supported in a horizontal position by the vertical support; and wherein the retail support structure includes a generally flat panel providing the support surface.

Springs discloses the claimed invention except for the limitations of a reduced friction layer on the support surface, the reduced friction layer having a static coefficient of friction that is less than a static coefficient of friction for a standard powder coated finish for retail shelves; wherein the reduced friction layer comprises a fluoropolymer; and wherein the fluoropolymer is coated onto the support surface. Bustos teaches an apparatus for displaying retail merchandise having a retail support structure, a support surface having a reduced friction layer (18) and wherein the layer is a fluoropolymer (Col. 2, line 45ff). It would have been obvious to one having the ordinary skill in the art at the time the invention was made to have modified the apparatus in Springs to have included the friction layer as taught by Bustos for the purpose of providing a very slick surface for the merchandise to slide upon.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams.

Williams discloses the claimed invention except for the limitation of the fluoropolymer being coated onto the support surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the support surface in Williams to have

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a coated fluoropolymer for the purpose of providing an alternative means for attaching the low friction layer to the support surface and since such a modification would not have produced any unexpected structural results.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of U.S. Patent 6,218,017 to Yamashita et al., hereinafter, Yamashita. Williams discloses the claimed invention except for the limitation of the reduced friction layer comprising a silicon ultraviolet (UV) type coating. Yamashita teaches a structure having a layer of silicon ultraviolet material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the low friction layer in Williams to have been a silicon ultraviolet layer as taught by Yamashita for the purpose of providing a hard protective coating for the support surface.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Re 30,706 to Bustos

U.S. Patent 4,899,893 to Robertson

U.S. Patent 5,012,936 to Crum

U.S. Patent 5,088,607 to Risafi et al.

U.S. Patent 5,197,610 to Bustos

U.S. Patent 5,496,976 to Burchell

U.S. Patent 5,562,217 to Salveson et al.



U.S. Patent 5,855,283 to Johnson

U.S. Patent 6,464,089 to Rankin, VI

U.S. Patent 6,536,609 to Lake

U.S. Patent 6,769,552 to Thalenfeld

U.S. Patent 6,866,156 to Nagel et al.

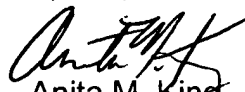
U.S. Patent 6,923,330 to Nagel

The above patents all disclose various types of merchandise display shelves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

January 23, 2006